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14. ABSTRACT The South China Sea is of strategic importance to the United States and global economy. Continued access to the Sea Lines of Communications in South China Sea is vital for Southeast Asia and the Middle East. The U.S. Navy needs ensure to freedom of navigation and overflight by maintaining its presence in the South China Sea.  As the People's Republic of China continues to grow economically and military, her economic and political interests will increase in the region. This will increase the clashes in the South China Sea between China and the U.S., the location most likely to play out the future of Sino-U.S. relations.  China currently claims all of the South China Sea and is in dispute with other Southeast Asian nation claimants. China's maritime claim, Southeast Asia Nuclear Weapons Free Zone, and People's Liberation Army's Navy modernization are aimed at excluding the U.S. Navy for the South China Sea.  U.S. Pacific Command (PACOM) need a more cohesive and farsighted strategy towards China and South China Sea. In order to reduce future clashes, PACOM should establish military to military relations with China today.					
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STRATEGIC AND OPERATIONAL IMPLICATIONS OF  
ACCESS TO THE SOUTH CHINA SEA TO  
MAINTAIN REGIONAL PEACE AND SECURITY

By

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A paper submitted to the Faculty of the Naval War College in partial satisfaction of the requirement of the Department of Joint Military Operations.

The contents of this paper reflect my own personal views and are not necessarily endorsed by the Naval War College or the Department of the Navy.

Signature\_\_\_\_\_

16 May 2003

## **Introduction**

On 1 April 2001 at 0907, 70 nautical miles south-east of Hainan Island in the South China Sea, a U.S. Navy EP-3 Aries reconnaissance aircraft collides with an People's Republic of China's (PRC) F-8 Farmer fighter aircraft. The EP-3 makes an emergency landing at Lingshui Airport on Hainan Island at 0933 and the world's attention is focused on the South China Sea, a part of the world that most Americans could not identify on a map. This incident immediately rekindles the issues of China's maritime claim in the South China Sea, in the part of the world that will most likely play out the future of Sino-U.S. relations.

The U.S. Navy EP-3 was conducting reconnaissance in international airspace in accordance with the United Nations Convention on the Law of the Sea (UNCLOS), but also in an area that China claims to be within its maritime region. China did not make a maritime claims issue of the collision location, only that the EP-3 had entered China's airspace and landed at Lingshui Airport after making a "Mayday" call declaring an emergency. This incident drew the world's attention to China's deliberate vagueness on its territorial claims on the South China Sea area to include the Spratly Islands.

The U.S. has routinely operated in the South China Sea and has provided peace and security to the region, and by doing so, protected U.S. interests along with those of its friends and allies. As China grows to become an economic power, so will it militarily. China's interests and political aspirations for the region will cause clashes with the U.S. as our interest's conflict, and incidents such as these will increase in the future. To prevent escalation of further clashes, the Commander, U.S. Pacific Command (PACOM) should establish a working relationship with the Chinese Military to build trust and

understanding. In the meantime, the U.S. Navy and Air Force need to continue to show their presence by exercising freedom of navigation and overflight, as allowed in UNCLOS, in the South China Sea to maintain peace and stability in the region. PACOM needs to maintain a military and economic relationship with Association of Southeast Asian Nations (ASEAN)\* as well, in order to keep China from further occupying more islands for territorial claims in the South China Sea.

## **Background**

“The South China Sea (Figure 1) encompasses a portion of the Pacific Ocean stretching roughly from Singapore and the Strait of Malacca in the southwest, to the Straits of Taiwan (between Taiwan and China) in the northeast.”<sup>1</sup> This semi-enclosed sea stretches 1500 nautical miles from Singapore to Taiwan and is 840 nautical miles wide at its widest point.<sup>2</sup> Its rim is composed of 90 percent land, which is made up by nine states (China, Taiwan, Vietnam, Philippines, Malaysia, Brunei, Singapore, Thailand, and Cambodia). Its expansive area covers approximately 1.3 million square miles with

“...more than 200 small islands, rocks, and reefs, with the majority located in the Paracel and Spratly Island chains. Many of these islands are partially submerged islets, rocks, and reefs that are little more than shipping hazards not suitable for habitation; the total land area of the Spratly Islands is less than 3 square miles. The islands are important, however, for strategic and political reasons, because ownership claims to them are used to bolster claims to the surrounding sea and its resources.”<sup>3</sup>

The vital natural resources of oil, hydrocarbons, and fisheries provided by the islands makes them very attractive to all the rim nations. Six nations have claims to some portion of the South China Sea. Yet only China claims all the South China Sea.

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\* The Association of Southeast Asian Nations (ASEAN) includes Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar (Burma), Philippines, Singapore, Thailand, and Vietnam.

## South China Sea Islands

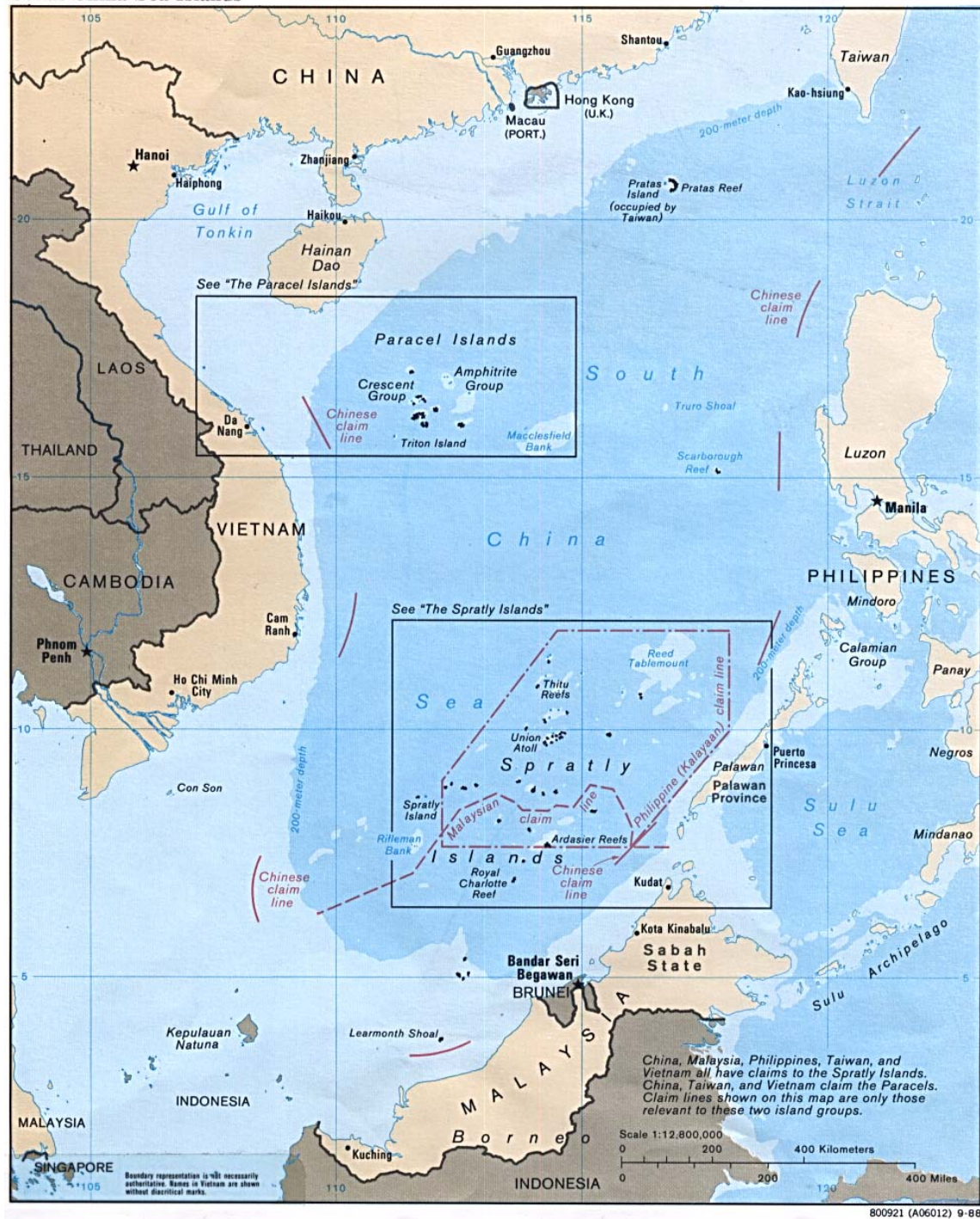


Figure 1. "South China Sea"<sup>4</sup>

The importance of the South China Sea dates back to before 1500 A.D. and the Spice Trade. The use of the South China Sea was key to the Spice Trade and to the economies of Europe and Southeast Asia. From 1500 to 1954, during the European

Colonial Period, it was the raw materials of oil, rubber, and tin that moved through the South China Sea that the economies of Europe and the world wanted.<sup>5</sup> In May 1942, Japan occupied Southeast Asia and the islands in the South China Sea in order to ensure access to the vital raw materials. Outposts were set up on the islands in the South China Sea to protect the Sea Lines of Communications (SLOC) of raw materials being shipped from Southeast Asia to Japan.

Today, the world still needs access to Southeast Asia via the South China Sea. Southeast Asia provides a large source of wood products, palm oil, and rubber along with cheap labor in the textiles and electronic consumer goods industries. These goods are then shipped via SLOC in the South China Sea to the rest of the world. Since 1500 A.D., Southeast Asia has been the “economic breadbasket” of the world having provided raw materials in the past and now cheap labor. The commodities provided by Southeast Asia have changed dependent on the economic demands globally. Even in the 21<sup>st</sup> century, the South China Sea is key to commerce for this region and the world. Southeast Asia is important for its natural materials, however, the South China Sea is just as important for the major commodities of oil, natural gas, and fish and for its SLOC. The South China Sea provides access to oil in the Middle East for our Asian allies. Much of the world commerce relies on the freedom of navigation through the South China Sea for its economic well being.

Beijing insists that China’s historical claims to the archipelagoes in the South China Sea – the Spratly and Paracel Islands being the largest - originate from the Han Dynasty period of 206 B.C. to 220 A.D., when Chinese fisherman started to fish in the South China Sea. Based on archaeological findings of ancient Chinese coins, pottery

fragments and cooking utensils found in the area, the claim may be legitimate.<sup>6</sup> “The first official claim by China dates from an 1887 treaty with France dividing the Gulf of Tonkin, which Beijing interprets as extending to include all the islands of the South China Sea, although China has yet to clearly delineate its claim.”<sup>7</sup>

It was not until 1956 that Chinese forces occupied the Spratlys at the end of World War II (when a small garrison of Nationalist Chinese troops temporary occupied the former Japanese submarine bases [1939-1945] before withdrawing to Taiwan). In 1947, Thomas Cloma, an Filipino national, discovered a couple of islands in the archipelago and declared it “freedomland’ with himself as the leader. In 1971, Cloma transferred his claim to the Philippine government. However, the proclamation by Cloma caused Taiwan to reoccupy Itu Aba (aka Taiping Island) in 1956. The same year the Republic of (South) Vietnam asserted its claim to the Paracels and Spratly Islands. Then in September 1973, the South Vietnamese navy occupied several islands in both the Paracels and Spratlys. By January 1974, the Chinese (People’s Republic of China - PRC) took the Paracels from Vietnam by force in a brief naval engagement.<sup>8</sup> Since 1956,

“Chinese forces happened to occupy the largest island in the Spratlys, which under customary law entitles the Chinese to *en toto* ownership of the archipelago. But China’s self-presumed dominion over the South China Sea islands was challenged in the early 1970s as their intrinsic strategic and economic value became more apparent.”<sup>9</sup>

It should be noted that the actual forces occupying Itu Aba were in fact Taiwanese. However, the establishment of Taiwanese forces on the island lays greater claim to the PRC’s dominion over the South China Sea with its “greater China” sovereignty. The PRC is content to allow Taiwan to occupy the island, relying on Taiwan’s commitment to



the area and extension of their claim into the disputed region.<sup>10</sup> Using historical claims as its legitimacy, China laid claim to all of the islands in the South China Sea.

Then in 1982, the UN Conference of the Law of the Sea (UNCLOS) created a number of guidelines for maritime claims.

“Article 3 states that ‘every state has the right to establish the breadth of its Territorial Sea up to a limit not exceeding 12 nautical miles’, article 55-75 defines an Exclusive Economic Zone (EEZ), which is an area up to 200 nautical miles beyond and adjacent to the territorial sea. The EEZ gives coastal states ‘sovereign rights for the purpose of exploring and exploiting conserving and managing the natural resources...’ Article 76 defines the Continental Shelf of a nation and allows every nation to exercise ‘over the continental shelf sovereign rights for the purpose of exploring it and exploiting its natural resources’.”<sup>11</sup>



Figure 2. “Rock”<sup>12</sup>

However, Article 121 created a problem. “Article 121 states rocks that cannot sustain human life habitation or economic life of their own shall have no exclusive economic zone or continental shelf.”<sup>13</sup> The claimants have established military outposts to conform to Article 121 in order to substantiate their claims in the disputed areas (Figure 2).

Additionally, the interpretation of Article 59 by coastal states is also a concern. Article 59 notes that if a conflict arises in the EEZ between the interests of the coastal



state and any other state, that the conflict should be resolved by the parties involved.<sup>14</sup>

Conceivably, coastal states may require naval vessels to give “prior notification” before entering the EEZ or even ban them completely for security reasons.<sup>15</sup>

“In February 1992, the Chinese government enacted a law on territorial waters which stipulated by name, the South China Sea island group of Pratas, Paracel, Macclesfield Bank, and Spratly, which they called Dongsha, Xiahua, Zhongsha, and Nansha, together with some other islands, as belonging to the PRC.”<sup>16</sup> This Chinese Law of the Territorial Sea and Contiguous Zone asserts China’s right to evict other nation’s naval vessels from its territorial waters; the law also allows the pursuit of foreign naval vessels violating its territorial waters out into the high seas by the People’s Liberation Army’s Navy (PLAN). Also, all foreign warships must give notification of intent to pass through Chinese waters and receive permission to do so. The Chinese law lays claim exclusively to all the Paracels and Spratlys. These laws are deemed incompatible with UNCLOS.<sup>17</sup> On 10 May 1995, the U.S. State Department stated, “The U.S. would view with serious concern any maritime claim or restriction on maritime activity in the South China Sea that was not consistent with international law.”<sup>18</sup>

The fact that China considers the South China Sea as its territory and extends its claim over them militarily has caused clashes with other Southeast Asian nations. Some of the governments of the Southeast Asian nations have considered these claims in the South China Sea as a greater expansionist strategy of China becoming the regional hegemony. Though some of the ASEAN shares concerns about China’s claims to the South China Sea, they do not share the strategies to resolve these disputes. China’s insistence on bilateral talks with South China Sea claimants by offering bilateral codes of

conduct has succeeded in splitting ASEAN claimants. By establishing these bilateral agreements, China has greater credence to its South China Sea claims. The United States has tried to make the South China Sea dispute issue an international issue, but China maintains the territorial claims to be regional and has kept the United States out of the dispute talks. China feels time is on its side and while administration changes for the United States and political unrest underscore the Southeast Asian nations, China's political continuity keeps them focused on their objective; legitimizing the whole of the South China Sea as their territory.

### **China's Excessive Claim for Economic Reasons**

China's expansion of maritime claims is a very calculated move. China showed no interests in the South China Sea's uninhabited rocks, cays and shoals, until the early 1970's when their "intrinsic strategic and economic value became more apparent."<sup>19</sup> By 1973, Vietnam and the Philippines occupied six of the largest islands in the Spratlys. By 1979, the Philippines, Indonesia and Malaysia all had offshore oil production. Offshore oil "accounted for 35 percent of Jakarta's oil production for 1979, Malaysia's offshore oil production doubled each year throughout the 1970's."<sup>20</sup>

The extent of the Chinese claim became clear at the fourth informal workshop held by ASEAN and China in Surabaya, Indonesia in 1993. At the workshop, China produced for the first time a map, which indicated what it called "historic waters." (Figure 3).



Map 2: Official Chinese map of the South China Sea with the nine-dotted line

Source: The Traffic and Tourist Map of Hainan, 1999.

Adapted from Stein Tonnesson, "China and the South China Sea: A Peace Proposal," *Security Dialogue*, vol. 31, no. 3, September 2000

Figure 3. "China Historical Claim Map – nine-dotted line"<sup>21</sup>

“The Indonesians noticed to their surprise that the Chinese claim line was marked between the Natuna Islands of Indonesia and a gas-bearing area located 250 KMs to the North-East of it, which lies within the limit of the Exclusive Economic Zone of 200 nautical miles (320 kms) claimed by Indonesia, thereby raising the suspicion that China probably looked upon this gas-bearing area also as historically belonging to it even though it had never claimed it in the past before the discovery of gas.”<sup>22</sup> (Figure 4).

China estimates there are 900 trillion cubic feet (Tcf) of natural gas in the Spratlys and more than 2000 Tcf of natural gas total in the South China Sea.<sup>23</sup>

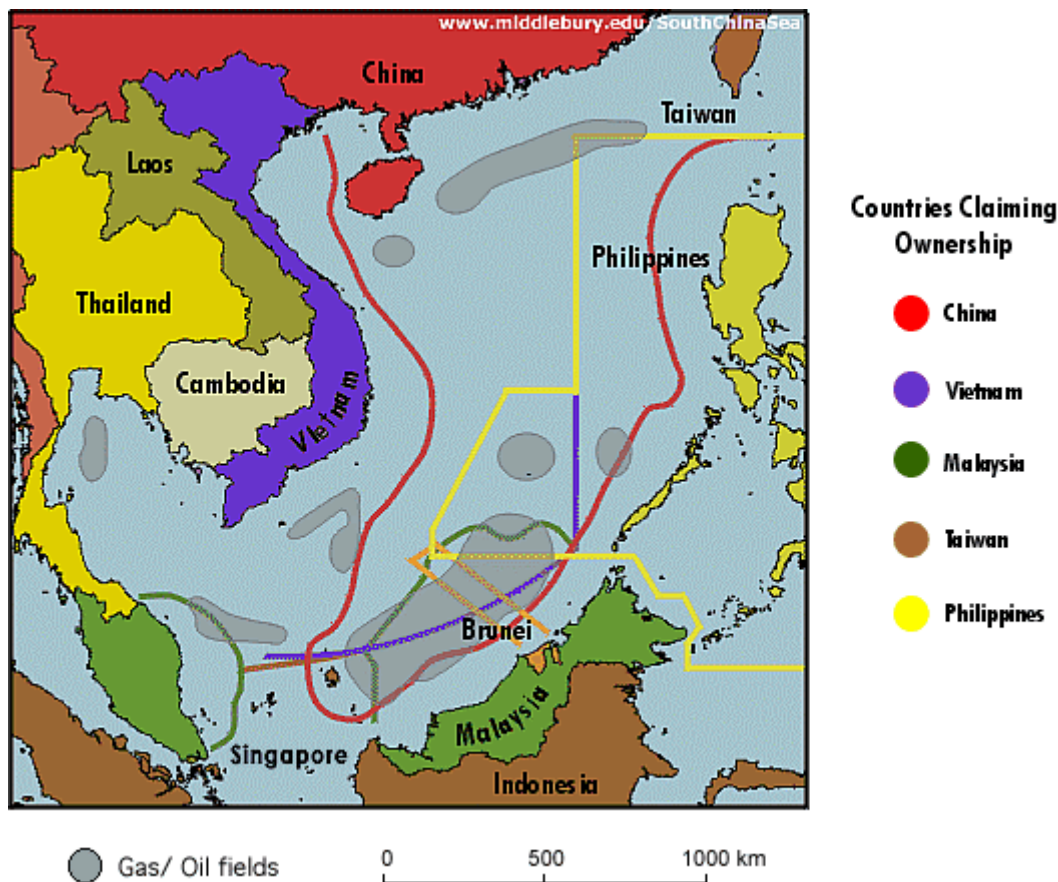


Figure 4. “Oil Claims”<sup>24</sup>

The estimates made by China on the oil resources from the Spratlys and Paracels is thought to be 105 billion barrels of oil, with 213 billion total for the South China Sea.<sup>25</sup> In May 1992, the Chinese government had entered into a joint venture with Crestone, an American company. This was also another ploy on the part of the Chinese to minimize

the chance that the United States would intervene against China if it were to seize more islands as U.S. oil companies would be the beneficiary of any offshore oil drilling.<sup>26</sup>

### **Freedom of Navigation for Economical Reasons**

The SLOCs in the South China Sea are not only important for the resources and goods that transit through the South China Sea, but also those resources and goods from Southeast Asia itself. U.S. trade alone with ASEAN in 2002 totaled over US \$120 billion.<sup>27</sup> Keeping the SLOC open is vital to the world economy. This “freedom of navigation” also allows the U.S. to help protect its allies’ (Japan, South Korea, and Taiwan) industry and economic base.

The Navy Operational Concept, “Forward ...from the Sea” states that, “The Navy’s role in peacetime engagement is to project American influence and power in support of U.S. efforts to shape the security environment in ways that promote regional economic and political stability.”<sup>28</sup> If the U.S. Navy is kept out of the South China Sea or loses its ability to operate in these waters, the U.S. Navy and Marine Corps would lose its maneuver space to provide a secure environment to promote regional economic and political stability. Access to our friends and allies in South East Asia is key to the success of our mutual defense treaties, respecting military assistance agreements, conduct joint military exercise, disaster and humanitarian assistance.

The United States Navy and United States Air Force need to continue to operate on a routine basis in the South China Sea, in order to exercise our rights under UNCLOS. By doing so the United States ensures what is considered to be the high seas and international airspace above the high seas is protected for freedom of navigation and overflight for any nation transiting the region. Economically, if merchants were unable

to transit the South China Sea, it would mean longer trips, which would equate to greater cost, and more ships would be required to move the same amount of cargo. The importance of keeping these SLOC open is “over half the world’s merchant fleet (by tonnage) sails through the South China Sea each year”<sup>29</sup> and “over half (52 percent) of all the world’s oil now passes through the South China Sea from the Middle East to Asia.”<sup>30</sup> “More than 80 percent of the oil for Japan, South Korea, and Taiwan flows through the area; two-thirds of South Korean energy needs, and more than 60 percent of that of Japan and Taiwan, transit the region annually. Liquefied natural gas (LNG) shipments through the South China Sea constitutes two-thirds of the world’s overall trade.”<sup>31</sup> (Figure 5).

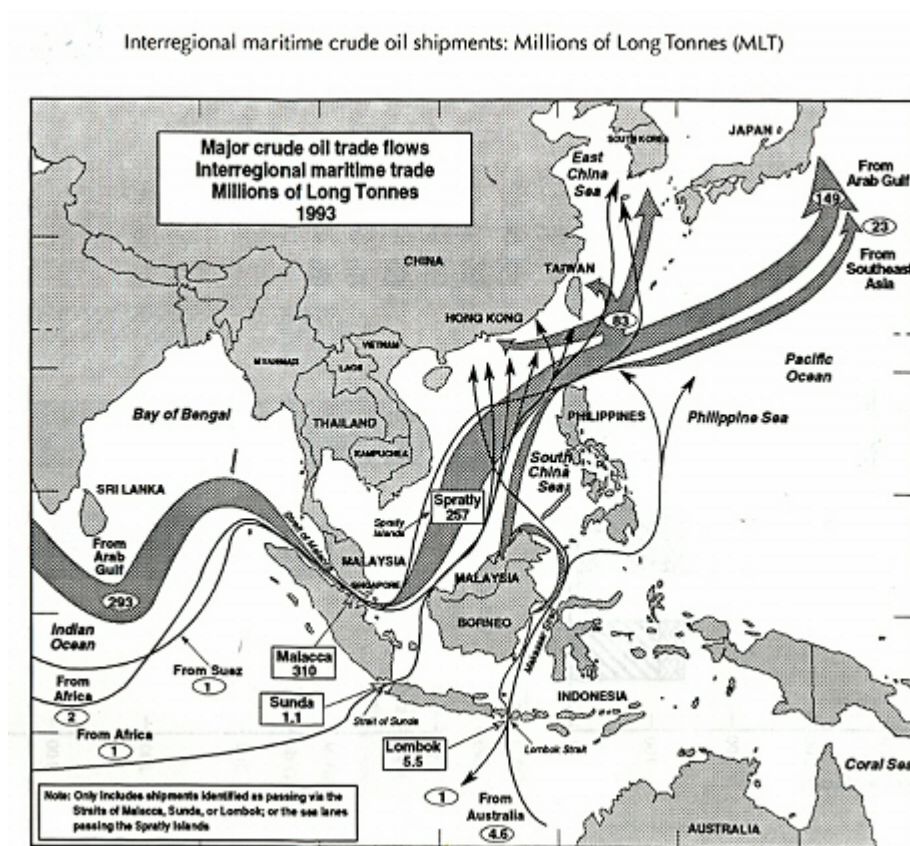


Figure 5. “South China Sea – Major crude oil SLOC”<sup>32</sup>

## **People's Liberation Army's Navy (PLAN) Modernization to Protect South China Sea Interests**

“[T]he Chinese navy was given ‘three major directions’ in 1995: 1) place naval building in an important position and accelerate the pace of naval modernization, 2) ensure the security of China’s coastal defense, and 3) promote the great cause of the unification of the motherland.”<sup>33</sup> The PLAN as part of the People’s Liberation Army (PLA) lacks the common missions of western navies such as sea control and power projection. However, it has defined its mission of defending two sea areas, the “inner sea defense zone” and the “outer sea defense zone.” The “inner sea defense zone” is defined as the Yellow Sea, Taiwan, and the South China Sea (including the Spratlys) with a “mission of opposing unfriendly presence.” The “outer sea defense zone” extends out to the Marshal Islands with a mission to “prevent hostile presence or preparations.” The Taiwan crisis of 1995 and 1996 gave China a sense of humiliation that the PLAN was unable to carry out its mission in the “inner sea defense zone.” The PLAN was unable to oppose the “unfriendly presence,” the U.S. Navy. To the Chinese Government, this was because they were a carrierless navy.<sup>34</sup> The Chinese felt an aircraft carrier was key for the PLAN to carry out its mission in defending its two sea areas.

According to the Far East Economic Review in 1987, Chinese F-8 fighters were being launched using steam catapults at Lushun Naval Base. Then in the semi-official magazine of the China News Service, July 1994 issue of Shidian in the article titled “The Aviation Dream of the Chinese People” PLAN officers talked about being trained for large ship handling and flight deck operations. Additionally, they spoke of a runway being configured to resemble an aircraft carrier deck to train pilots.<sup>35</sup> Training for carrier operations showed China’s aspiration of becoming a carrier navy since the 1980’s.



The 15<sup>th</sup> Communist Party Congress approved a plan calling for an operational carrier by 2020. The Chinese purchased the ex-Soviet Kiev-class Aircraft Carrier *Minsk* from South Korea and towed it to a Chinese port in Aug 1998. The *Minsk* was then converted into an entertainment complex.<sup>36</sup> In 1997, the Ukrainian aircraft carrier *Varyag* (ex-Russian Kuznetsov Class, *Riga*) was purchased by Chong Lot Travel Agency, Limited, to be used as a floating casino. Chong Lot Travel is a subsidiary of Chin Luck Holdings also based out of Hong Kong. The board of directors for this companies all came from the shipbuilding province of Shandong. As a matter of coincidence, the Chairman for Chin Luck Holdings is a former PLA general officer.<sup>37</sup> Simultaneously on 23-24 August 2002, three different Chinese newspapers based in Taiwan, Hong Kong, and U.S. reported that the *Varyag* would not be converted to a floating casino, but would be re-equipped into a PLAN aircraft carrier. With the *Varyag* being re-equipped, China will have an operational carrier before 2010, maybe even by 2006 with a carrier battle group. Also by coincidence, the Chinese have purchased from the Russians the rights of the advanced naval version of the SU-27K<sup>38</sup> and 40 SU-30MK fighters.<sup>39</sup> Not only is China developing a carrier and carrier aviation, but also a surface and subsurface force.

China currently has two Sovremenny destroyers (*Fuzhou* and *Hangzhou*) armed with S-N-22 Sunburn anti-ship missile. They have also ordered two more Sovremenny destroyers with an agreement from Russia to sell them the supersonic SS-N-26 Yakhout anti-ship missile, which is much more capable and harder to intercept than the Sunburn.<sup>40</sup> These are platforms and weapons that the Soviet Union had designed to attack U.S. aircraft carriers, that are now in Chinese hands. China has also ordered eight additional

Kilo class submarines with the Klub anti-ship missiles and with these two new Sovremennys may enter PLAN service by 2006.<sup>41</sup>

The modernization of the PLAN with the Sovremennys and Kilos also appears to be a buildup to defeat U.S. carrier battle groups. However, this is most likely to prevent future embarrassing incidents like the one in 1996 when the U.S. dispatched aircraft carriers to the Taiwan straits, in response to China's missile launches into the waters in the vicinity of Taiwan. With this new navy, China will have a credible threat to challenge the U.S. Navy and enable China to dominate the South China Sea against all regional navies.

### **Commander 7<sup>th</sup> Fleet's Concerns**

ASEAN and Taiwan currently rely on the presence of the U.S. Navy in the South China Sea as a stabilizing factor.

“Mr. Joseph Nye, former U.S. Assistant Secretary of Defense, said, ‘Security is like oxygen; when you have it, you don’t think about much about it; when you don’t have it, it is all you can think about.’ In the words of Singapore’s Senior Minister Lee Kuan Yew, ‘Security is the oxygen that fuels the economic engine of Asia.’”<sup>42</sup>

It has been said that the U.S. Navy is the “oxygen” in Asia.

China's build up in the Spratlys and Paracel Islands is not only for placing claim to islands and rocks, but also to lay claim to the resources within these areas. Militarily, the buildup throughout the Spratlys and Paracel Islands has increased surveillance, reconnaissance, and the placement of new weapons systems such as the silkworm anti-ship missile and anti-aircraft guns. The procurement of long range fighters with refueling capabilities and airstrips on the islands would allow China to track and attack vessels transiting the South China Sea. If China continues to occupy more islands, it will have a

better surveillance capability to track and engage ships with mobile C-802 silkworm missiles.

### **Factors of Space, Time, and Force – for Operations in the South China Sea**

These Chinese actions are of concern to Commander 7th Fleet, the operational commander, having to operate in the South China Sea under the “factors of space, time, and force.” Space is already limited by geography of the South China Sea and these Chinese island outposts give China a better means to track naval and air movements in the region. Additionally, the C-802 silkworm with a range of 120km (75 nm)<sup>43</sup> even further restricts the maneuver space of the operational commander and his battlegroup. These outposts and C-802 missiles also affect the “factor of time.” The commander now has less warning time of an attack, less time for decisions cycle and reactions to threats. “The factor of force” is one of many concerns for Commander 7th Fleet as the PLAN continues to modernize and operate in the South China Sea.

The nuclear-weapon-free zone is another issue affecting the “factor of space.” The intent of a nuclear-weapon-free zone is to make a region free of nuclear weapons. However, the term “zone” is not defined.<sup>44</sup> The Southeast Asia Nuclear Weapons Free Zone (SEANWFZ) “includes EEZ’s and continental shelves [of the South China Sea] in the zone which is inconsistent with international recognized high seas freedom of navigation and overflight.”<sup>45</sup> China’s buildup in the South China Sea, its naval modernization, and its 1992 law on territorial waters combined with the SEANWFZ shows China’s attempt to keep the U.S. Navy out of the South China Sea. Ten Southeast Asian nations signed the SEANWFZ treaty in December 1995 and China and Russia also later signed the treaty. To date, the U.S. has not signed the treaty “because of concerns

about the impact on the passage of military aircraft and ships”<sup>46</sup> in the South China Sea. China’s application of this law is designed to keep all nuclear weapons and nuclear propulsion ships out of the South China Sea.

The concerns of the operational commander while transiting or operating in the South China Sea will change as the PLAN continues to upgrade its fleet and place more modern weapon systems on the islands it already occupies. Any further expansion by China will only increase the challenge for the operational commander as he protects U.S. and allied interest within the South China Sea or with its allied nations in Asia and the Middle East.

### **Factors of Space, Time, and Force – for Transits**

Militarily, U.S. battlegroups and aircraft transiting from the west coast of the United States, Hawaii, or Japan routinely pass through the South China Sea enroute to and from the Persian Gulf. A typical transit from Yokosuka Naval Base in Japan to the Persian Gulf takes 11 days, while a transit from San Diego takes 19 days.<sup>47</sup> For example, if China were able to prevent the U.S. Navy transit through the South China Sea, the “factors of space, time, and force” would be affected for the transiting operational commander. The operational commander would be denied (mobility/maneuver space) use of the South China Sea and would now have to circumnavigate the area increasing the distance he must travel affecting his “factor of time.” Assuming a transit through the Indonesian Archipelago, the steaming time will now take at least two days longer. However, if the carrier battle group were prevented from transiting through the South China Sea (Strait of Malacca), the Indonesian archipelago, and the Torres Straits, the battlegroup would now have to steam around Australia. “Assuming a steady fifteen-knot

pace, a six-ship, conventionally powered battle group would require an extra fifteen days and over ninety-four thousand gallons of fuel to transit the additional 5,800 nautical miles. The added fuel cost alone would amount to over \$3 million."<sup>48</sup>

For Maritime Patrol Aircraft (MPA) (P-3) transits from Okinawa to Oman via Utao, Thailand and Diego Garcia takes two days. If MPA were denied overflight of the South China Sea it would take an additional day to make the transit. These longer transits could effect "factor of forces" if the deployment is in response to a crisis, giving more time for the belligerent to prepare and mass forces.

### **Risks of U.S. Non-Presence in the South China Sea**

The alternative to a more visible and active United States Navy and Air Force presence in Southeast Asia is reflected with risk. "The official U.S. policy on the South China Sea is that it takes no position as to the legal merits of competing claims of sovereignty."<sup>49</sup> If the United States Navy and Air Force do not continue to "show the flag" to support the freedom of navigation and freedom of overflight in the South China Sea, this could send a signal to China that we acknowledge their excessive maritime claims. Or that the U.S. Navy acknowledges China's claims under its 1992 Law on the Territorial Sea. These signals may also be viewed as U.S.' lack of interest in supporting its allies and other claimants in the South China Sea. The U.S. should maintain the policy that it takes no position to the legal merits of competing areas, but should ensure that a peaceful resolutions are made of the disputed claims. Maintaining freedom of navigation and overflight are of fundamental interests to the United States and our allies.

The U.S. can not afford to send a message that boarder and/or territorial disputes of are no interest to the U.S. We must remember that only the U.S. has the ability to

oppose China by force, and our presence allows the other claimants to try to resolve its dispute peacefully. The view from some Southeast Asian countries is that the United States is only a transient in Southeast Asia. The U.S. must not allow the Southeast Asian nations to believe this. The U.S. was heavily involved in Southeast Asia during the Vietnam War since it had a national security interest of containing communism. But after the cost of the war out-weighed our national security interests, the U.S. pulled out of Southeast Asia. The Southeast Asian countries believed that the United States comes and goes based on U.S. national interests. However, China, the constant big brother to the north, has always been there and will continue to be there. In order to counter this perception, the U.S. will need to make a greater issue of our interests in the area and remain a constant presence in Southeast Asia and the South China Sea.

## **Conclusion**

U.S. Pacific Command (PACOM) needs a more cohesive and farsighted strategy towards China and the South China Sea. While U.S. military power currently dominates, China is growing and so is its military. As the PLAN modernizes and as China develops economically, so will her economic and political interests in Southeast Asia and the South China Sea. As U.S. and Chinese policies and interests differ, clashes will increase. In order to reduce this friction, PACOM should increase military to military (mil to mil) relations with China and ASEAN. For example, PACOM should invite China and ASEAN to PACOM sponsored events such as the Multi-national Planning Augmentation Team (MPAT)\* workshops. Through these mil to mil interactions, PACOM and

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\* A cadre of military planners from nations with Asia-Pacific interests capable of rapidly augmenting a multinational force (MNF) headquarters established to plan and execute multinational coalition operations in response to military operations other than war (MOOTW) / small scale contingencies (SSC).

PLA/PLAN can build trust and confidence. These mil to mil relationships are important in order to make a more stable and longer lasting relationships than those by the State Department. State Department policies may change every four years based on presidential elections. However, PACOM and PLA/PLAN should be more stable as both militaries will be in existence for longer than four years. The common link of brotherhood of arms will help build this relationship. By using MPAT as one of our mil to mil relationships, these interfaces will give junior officers from both nations an opportunity to work together in operations such as disaster relief and humanitarian assistance. These relationships will build trust and confidence between the two militaries and help smooth out future rough spots that may arise.

In the meantime, the U.S. Navy and Air Force need to continue to operate in the South China Sea to show presence and commitment to maintain and enhance stability in the region. By doing so, ASEAN can continue to negotiate South China Sea disputes in a peaceful multilateral resolution between themselves and China. The U.S. Navy needs to continue port visits throughout the region to include Brunei, China, Philippines, Singapore, and Thailand. Military and economic stability will grant a peaceful resolution to the disputed claims and prevent further military buildup in the South China Sea. This will allow for U.S. and foreign warships and aircraft the freedom of navigation and overflight in the South China Sea to protect U.S. interests and those of our allies. The U.S. Navy must also continually conduct multilateral and bilateral exercises in the South China Sea and in Southeast Asia to maintain regional security and peace.



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